

Jonathan Barasch et al.  
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REMARKS

A Notice of Allowance and Notice of Allowability were issued October 4, 2005 in connection with the above-identified application. Applicants have hereinabove amended the first paragraph of the specification to correctly identify the relationship between the subject application and each prior application from which benefit is being claimed in accordance with 37 C.F.R. §§1.78 (a)(1) and (a)(2). According to 37 C.F.R. §1.78(2)(ii) such a reference to prior filed applications must be made during the pendency of the later-filed application. Applicants note that, as provided for by 37 C.F.R. (2)(ii)(C), the time limit of the later of four months from the actual filing-date of the later-filed application or sixteen months from the filing date of the prior-filed application is not applicable to the present application which is a "nonprovisional application which entered the national stage after compliance with 37 C.F.R. §371 from an international application filed under 35 U.S.C. §363 before November 29, 2000". Specifically, applicant notes that the above-identified application is a nonprovisional application which entered the national stage on March 12, 2002 from an international application filed under 35 U.S.C. §363 on May 4, 2000. Accordingly, applicants maintain that this claim for benefit is being timely made. In addition, applicants note that in the Remarks section of the Preliminary Amendment filed November 2, 2001 in connection with the above-identified application, applicants stated that the "application is a §371 national stage of PCT international Application No. PCT/US00/12536, filed May 4, 2000, designating the United States of America, which is a continuation-in-part and claiming priority of U.S. Serial No. 09/305,029 filed May 4, 1999."

Applicants maintain that this Amendment merely recites complete